



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD  
ATTORNEY GENERAL

February 19, 1953

Hon. Arthur H. Van Slyke Opinion No. S-08  
County Attorney  
Fort Bend County  
Richmond, Texas

Re: Authority of the commissioners' court to fix an additional compensation or expense allowance from funds of Fort Bend County Drainage District for added duties the commissioners perform on drainage district matters.

Dear Sir:

Your request for an opinion of this office reads in part as follows:

"The Honorable Commissioners' Court of Fort Bend County, Texas, has asked this office to request an opinion of your office as to whether or not the Fort Bend County Drainage District may pay a monthly sum, to be fixed by said County Commissioners' Court to said County Commissioners either as a salary or as travel allowance and expense to said Commissioners for duties performed on said drainage district matters."

The Texas courts have repeatedly held that the commissioners' court is a court of limited jurisdiction and has only such powers as are conferred upon it, either by express terms or by necessary implication, by the statutes and Constitution of Texas. Childress Co. v. State, 127 Tex. 343, 92 S.W.2d 1011 (1936); Von Rosenberg v. Lovett, 173 S.W. 508 (Tex.Civ.App. 1915 error ref.); Roper v. Hall, 280 S.W. 289 (Tex.Civ.App. 1925).

In 34 Texas Jurisprudence 531, Public Officers, Section 116, it is stated:

"An officer is not entitled to any compensation in addition to that which has been fixed by law for the performance of the duties of his office, even though the compensation so fixed is unreasonable or inade-

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quate. He may be required by law to perform specific services or discharge additional duties for which no compensation is provided. The obligation to perform such services is imposed as an incident to the office, and the officer by his acceptance thereof is deemed to have engaged to perform them without compensation.

Chapter 303, Acts 51st Legislature, Regular Session, 1949, page 550, created the Fort Bend County Drainage District, and the commissioners' court was required to assume administrative powers and control over the district. We find no provision in the act creating this district that would authorize the commissioners court to fix an additional compensation or expense allowance from the funds of Fort Bend County Drainage District for added duties the commissioners perform on drainage district matters. Therefore, your question is answered in the negative.

SUMMARY

The commissioners' court has no authority to fix an additional compensation or expense allowance from funds of Fort Bend County Drainage District for added duties the commissioners perform on drainage district matters.

Yours very truly,

APPROVED:

JOHN BEN SHEPPERD  
Attorney General

J. C. Davis, Jr.  
County Affairs Division

C. K. Richards  
Reviewer

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BDD:am